

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD E. MITCHELL,

Defendant.

**CR-19-7-H-BMM  
ORDER**

Richard E. Mitchell (“Mitchell”) filed a motion for the early termination of his probation. (Doc. 34.) The Government did not file an objection to Mitchell’s motion for early termination of his probation. (*See* Doc. 36.) The Court conducted a motion hearing on September 25, 2023. The Court grants Mitchell’s motion for the early termination of his probation for the following reasons.

Mitchell pleaded guilty, pursuant to a plea agreement, to one count of unlawful possession of a controlled substance, in violation of 21 U.S.C. § 844(a)(1). (Doc. 20.) The Court, on July 7, 2020, sentenced Mitchell to five years’ probation, a special assessment of \$25.00, and a fine of \$4000.00. (Doc. 30.)

The Court, after considering the factors set forth in 18 U.S.C. § 3553(a), may terminate a term of probation at any time in the case of a misdemeanor, or after one year of probation in the case of a felony, so long as the Court is satisfied that such

action is warranted by the conduct of the defendant and is in the interest of justice. 18 U.S.C. § 3564. The Court must consider the factors set forth in 18 U.S.C. § 3553(a) when evaluating whether to terminate a term of probation. *Id.* Relevant factors include the nature and circumstances of the offense, the need for the sentence imposed to reflect the seriousness of the offense, and the need to afford adequate deterrence to criminal conduct, amongst others. 18 U.S.C. § 3553(a).

The factors set forth in 18 U.S.C. § 3553(a) support the termination of Mitchell's probation. Mitchell is a Doctor of Osteopathy. (*See* Doc. 35.) Mitchell has continued to practice medicine by being overseen by a medical director or assistant medical director while on probation. (Doc. 35 at 5.) Mitchell is motivated to continue practicing medicine after an unexpected lay-off from the Western Montana Mental Health Center. (*Id.* at 5.) He cannot reinstate his Drug Enforcement Agency ("DEA") registration while on probation in this case. (*Id.*) Mitchell faces substantial hardship in attempting to find gainful employment as a psychiatrist without an active DEA registration. (*Id.*) Mitchell states that the Western Montana Mental Health Center has asked him to return to his job if he received an active DEA registration. Mitchell participated in therapy with a licensed addiction counselor and received a satisfactory release. (*Id.* at 6.) He has served more than three years of his probationary sentence. (*Id.* at 2) Mitchell has complied with all terms of his

probation and all terms imposed on his medical license by the Board of Medical Examiners. (*Id.*)

Accordingly, **IT IS HEREBY ORDERED** that Mitchell's Motion for Early Termination of Probation (Doc. 34) is **GRANTED**.

DATED this 26th day of September, 2023.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style.

---

Brian Morris, Chief District Judge  
United States District Court